

May 20, 2005

Chief name
Police Department
Address
City, State, Zip

Dear _____:

I am writing to provide you with an update on the status of implementation of the Racial and Gender Profiling law and to let you know about the next steps. A great deal has been accomplished by both the leadership of the Massachusetts Chiefs of Police Association (MCOPA) and the chiefs who generously volunteered their time over the fall and winter to serve on our Racial Profiling Data Collection Task Group. I am proud to announce the results of that hard work.

In summary, this group of police leaders, working in partnership with the Executive Office of Public Safety and Northeastern University, has developed a data collection form to meet the requirements of the Racial and Gender Profiling law. **This form will be available for law enforcement use as of July 1, 2005.** A copy of the data collection form is attached, along with a summary of how the form was developed. As a police chief, you will need to decide on a number of issues in the coming month.

For mandatory data collection municipalities: If you were directed to collect data on all traffic stops based on the results of the Racial and Gender Profiling Study conducted by Northeastern, then you need to decide how you will accomplish that end. You are encouraged to use the form developed by consensus of the Racial Profiling Data Collection Task Group. **While the law mandates that you collect only the additional data field of “reason for the stop,” the MCOPA, the Major City Chiefs, and the Executive Office of Public Safety support more comprehensive data collection.** A few things to consider as you contemplate this decision:

- *Endorsement of the MCOPA for the form.* The leadership of the Massachusetts Chiefs of Police Association was influential in the development of this form. The President of the MCOPA believes this form is the most appropriate way to collect this data, and he is strongly encouraging other chiefs to use the form.
- *Quality of data.* This form has been described as the current national model for data collection on racial profiling, with significant advances and clarifications over all other models. The data will provide a useful management tool in understanding the scope and type of officer interaction with the public during traffic stops. Use of this form will afford departments sufficient detail to identify genuine areas of concern, understand disparities that may result from selective enforcement initiatives, and will enable departments to do their own analysis. **The law does not contemplate further centralized data collection or analysis**

as was done for the first phase of data collection. The data is for the use of the police chief solely.

- *Technology option.* Chiefs wishing to enter the racial profiling data electronically into their systems and be able to extract the data for analysis purposes will have access to a state-wide analysis and reporting tool provided by EOPS to those using the data collection form. You will hear from Jim Slater, our Chief Information Officer, shortly on this topic.

For all other municipalities: Chiefs in municipalities not part of the group of 247 required to collect data are invited to collect this data voluntarily. There are several reasons you may want to collect the data in this format. In addition to the reasons listed above, voluntary data collection will also demonstrate your leadership on this issue, will help reinforce positive relations with community groups, and will provide you with an otherwise useful management tool.

The Municipal Police Institute will be offering a series of police chief briefings around the state to provide more information on the data collection process and to answer questions that you may have. Dates will be posted on our website as well as on the MCOPA website.

In order to assure that we print a sufficient supply of forms, I ask that you notify my office of your intent to participate in the use of our form and let us know how many forms you estimate that you will need. Please notify Tracy Brown of your decision to use the form or not by Friday, June 3, 2005. Tracy can be reached at tracy.brown@state.ma.us.

For those desiring training in how to use the form, the Executive Office of Public Safety has set up training sessions at various regional training sites around the state during the month of June. These sessions are designed as train the trainer sessions and will equip your training officer to train others in how to use the form. To sign up for training, please contact peter.didomenica@pol.state.ma.us. As training locations and dates are finalized, the information will be provided on our website, found at mass.gov/eops by searching for racial profiling. We are also making training available electronically at msponlineacademy.com.

Please note that members of Northeastern University's Community Working Group on Racial and Gender Profiling that includes representatives from various community organizations, advocacy groups and legislative offices have asked to be informed as to the final list of police departments participating in the uniform data collection process.

If you have any questions about any of this information, please contact either Susan Prosnitz or Jane Wiseman on my staff at (617) 727-7775. I thank you for your thoughtful consideration of your next steps and look forward to working with you on this issue.

Sincerely,



Edward A. Flynn
Secretary of Public Safety

Summary of the Process for Developing Racial Profiling Data Collection Form

Over the course of 9 meetings, a group of 78 individuals representing 28 law enforcement agencies discussed in detail the possible means of collecting the data required by the Racial and Gender Profiling statute. This group was given the specific assignment of developing a strategy and method for the data collection and was referred to as the Racial Profiling Data Collection Task Group. Significant debate occurred on a number of issues:

- **Use and availability of data.** This form is the current national model for data collection on racial profiling, with significant advances and clarifications over all other models. The data will provide a useful management tool in understanding the scope and type of officer interaction with the public during traffic stops. Use of this form will afford departments sufficient detail to identify genuine issues, explain disparities that may result from selective enforcement initiatives, for example, and will enable departments to do their own analysis. The law does not contemplate further centralized data collection or analysis as was done for the first phase of data collection. The data is for the use of the police chief solely.
- **Format for collecting the data.** The advantages and disadvantages of collecting the data using two different methods were thoroughly debated. When comparing the advantages of adding more fields to the existing Uniform Citation or using a separate data collection form, the overwhelming consensus was to use a separate data collection form. Officers felt that the use of the Uniform Citation to document all traffic stops required too small a print size to capture all required information. More importantly, counsel to the Registry of Motor Vehicles advised the Task Group that the citation statute does not permit the use of the citation for this purpose. For more detail on this discussion, please refer to the meeting notes posted on the EOPS web site.
- **Specific data to be collected.** The exact data fields to be included on the form were discussed at a series of meetings throughout the winter. Every data element on the proposed form was debated thoroughly by the group. The group debated in detail not only the data elements, but the exact wording and placement of each of the possible answers to each of the questions. This form represents the group consensus on content and form, with each data field included to allow police chiefs sufficient information to accurately analyze the data for their department. For a summary of these discussions, please refer to the meeting notes posted on the EOPS web site. Jack McDevitt of the Institute of Race and Justice at Northeastern University, has confirmed that this is the best form in the nation in terms of capturing the information needed to achieve the best management information for police chiefs.
- **Rollout strategy.** When and how to conduct the data collection was discussed in detail. The consensus among chiefs was to begin with a pilot test of the proposed data collection form, and to then gather information from the pilot before rolling out the data collection form statewide. No other city or state in the nation has chosen to take this path toward achieving the best possible outcome. The pilot test was conducted during the months of May and June with 17 police departments representing a cross-section of types and sizes of police departments. The results of this pilot project will be used to finalize the data collection form before it is printed in June for July use. The draft form, which is attached to this letter is also available on our web site at http://www.mass.gov/Eeops/docs/eops/sdc_form_3_22.pdf. Please feel free to

share this document with others who may be interested. Any questions about the form should be sent to robert.fallon@state.ma.us.

- **Community input.** Northeastern University has led a process of community input into the data collection process as well as the form itself. The community group met several times over the fall and winter to provide advice to the Secretary and the Data Collection Task Group on the data collection effort.

